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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,446	05/11/2001	Dale E. Gulick	2000.038600/TT3759	6304

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EXAMINER

VO, TIM T

ART UNIT

PAPER NUMBER

2112

DATE MAILED: 03/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/853,446

Applicant(s)

GULICK, DALE E.

Examiner

Tim T. Vo

Art Unit

2112

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-11 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

1. Group I, claims 1-11, drawn to Access Locking, which is classified in class 710, subclass 200.
2. Group II, claims 12-18, drawn to Security Configuration, which is classified in class 713, subclass 200.
3. In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.
4. A telephone call was made to Mark Sincell (52,226) on February 16, 2004 to request an oral election to the above restriction requirement. Mr. Sincell elected group II claims 12-18 without traverse.
5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventor ship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventor ship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Part III DETAILED ACTION

Notice to Applicant(s)

This application has been examined. Claims 12-18 are pending.

Claim Objections

6. Claims 12 and 15-16 are objected to because the phrase "SMM" does not spell out in the independent claims. Appropriate correction is required.
7. Claim 18 should be depending on claim 16. Correction is required.

Information Disclosure Statement

8. The information disclosure statement filed 09/27/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 12-17 are rejected under 35 U.S.C. § **102(b)** as being anticipated by Wiedemer patent number 5,155,680.

As for claims 12 and 15-16, Wiedemer teaches a method of operating computer system in SMM, the computer system including a processor coupled to a memory, to a

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security hardware, and to a first device (see figure 1 and column 3 lines 46-51, CPU connects to a memory in the personal computer 10 via input/output interface, security module 16 is connecting to the computer 10 via a bus and a disk drive 114 is a first device), the method comprising:

unlocking security hardware (see figure 1, security hardware 16 and column 2 lines 38-54, wherein the security hardware 16 contains source code (encipher and decipher) to control accessing application program from diskette 14 (see column 5 lines 30-46);

accessing a first device (see figure 1, diskette 14 and column lines 30-46, wherein the user access the application program from the diskette 14);

locking the security hardware (see figure 1, security hardware 16 and column 2 lines 38-54, wherein the security hardware 16 contains source code (encipher and decipher) to control accessing application program from diskette 14 (see column 5 lines 30-46);

calling an SMM exit routine (see figure 2, wherein figure 2 discloses a flow chart illustration of the operation of the security system with stop for exiting the operation).

As for claims 13-14, 17 and 18, Wiedemer teaches checking for a lock status of the security hardware (see figure 2, steps 26-40 and column 11 line 15 to column 12 line 2, wherein step 26 reads the information from the PROM 18, the information includes internal code to determine whether the application program is encipher. Further, column 11 lines 22-29, the information read from PROM 18 then utilized to generate a latch code).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim T. Vo whose telephone number is 703-308-5862. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 703-305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tim T. Vo
Primary Examiner
Art Unit 2112

3/17/04